REMARKS/ARGUMENTS

Claims 29 and 30 are pending. No claims have been allowed.

Claim 29 was rejected under 35 USC 112, second paragraph. Claim 29 (and Claim 30) has been corrected as suggested.

Claims 29 and 30 were rejected as *prima facie* obvious in view of Liang (1998) or Marsh et al (1996) in view of Harlow and Lane (1988). This rejection is contrary to MPEP 2143.01.

(1) The rejection states at pages 3 and 4:

"However, the Prior art does not teach a method of producing antibodies against *S. neurona* proteins 16KD antigen and 30 KD antigen.

It is well known and routine in the art of immunology methods of producing monoclonal antibodies and polyclonal antibodies against antigens, (Harlow and Lane chapter 6 and 5 respectively, 1988). The prior art teaches a method of producing antibodies by immunizing

mice with antigen and adjuvant (see pages 122, 123, 102, 103, 106 from chapter 5). Further the prior art teaches a method of producing hyper-immune sera (see page 115 from chapter 5). Samples of blood were collected and serum-containing antibodies were isolated as described in page 119 from chapter 5 for checking the production of specific antibodies (page 116 from chapter 5)."

"The prior art also teaches method of producing monoclonal antibodies by immunizing mice with antigen and adjuvant (see page 148 from chapter 6) and spleen cells were removed and fused with myeloma cells. Fused cells were screened for the production of monoclonal antibodies (Figures 6.1, 6.2, 6.3 and pages 148, 202, 217-219 from chapter 6)"

MPEP at page 2100-126 clearly states that merely saying that the invention is within the level of the skill of the art is insufficient for a *prima facie* rejection. Al Site Corporation v VSI Int'l, Inc. 174 F3d 1308, 50 USPQ2nd 1161 (Fed Cir 1999).

(2) The rejection states at the last paragraph page 4:

> "The prior art suggests that it is important to produce antibodies specific to *S. neurona* immunodominant protein such as 30kD to avoid false positive results. Therefore, it would be obvious to one of ordinary skill in the art to produce specific antibodies to immunodominant protein 16kD and 30kD antigen from S. neurona merozoites. Further it is routine in the immunology art to produce monoclonal or polyclonal antibodies for use sensitive assays such as ELISA for specific diagnosis of infection or treating or preventing the parasitic infections with specific antibodies."

This statement of combination of the references is clearly not supported by the prior art which does not even suggest the use of the 16 and 30 KD antigens to produce monoclonal antibodies. Liang and Marsh merely suggest the presence of natural antibodies to one of the antigens. As stated in the Office Action at page 3 "However Prior Art does not teach a method of

producing antibodies against *S. Neurona* proteins 16KD and 30KD antigen".

Thus the combination of references does not *prima facie* suggest the claimed invention.

Reconsideration of this rejection is requested.

Respectfully,

Ian C. McLeod
Registration No. 20,931

MCLEOD & MOYNE, P.C.
2190 Commons Parkway
Okemos, MI 48864
(517) 347-4100
FAX (517) 347-4103